

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

ALBIHNS GMBH
Attn. Grey, Helen M.
Bayerstrasse 83
D-80335 München
GERMANY

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year) 25/11/2004	
Applicant's or agent's file reference P 001 821 PC	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/EP2004/003367	International filing date (day/month/year) 30/03/2004
Applicant TELEFONAKTIEBOLAGET L.M. ERICSSON	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Stylianos Vasilakis
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P 001 821 PC	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2004/003367	International filing date (day/month/year) 30/03/2004	(Earliest) Priority Date (day/month/year)
Applicant TELEFONAKTIEBOLAGET L.M. ERICSSON		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of Invention is lacking** (see Box III).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

a. the figure of the **drawings** to be published with the abstract is Figure No. 2

☐ as suggested by the applicant.

☒ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/003367

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 H04L12/56 H04Q7/38

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04Q H04L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, INSPEC

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 03/079706 A (SIEMENS AKTIENGESELLSCHAFT ET AL) 25 September 2003 (2003-09-25) page 1, line 29 - page 2, line 8 page 3, line 20 - line 26 page 8, line 33 - page 9, line 32 page 11, line 4 - line 33 page 17, line 12 - line 17 -----	1-4,6,7, 10,11
A	EP 1 207 708 A (TELEFONAKTIEBOLAGET LM ERICSSON) 22 May 2002 (2002-05-22) cited in the application paragraph [0018] paragraph [0042] - paragraph [0047] -----	1-15
E	WO 2004/068768 A (MOTOROLA INC. A CORPORATION OF THE STATE OF DELAWARE ET AL) 12 August 2004 (2004-08-12) page 9, line 25 - page 12, line 21 -----	1,3,4,7, 10-12



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

18 November 2004

Date of mailing of the international search report

25/11/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Behringer, L.V.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/003367

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
WO 03079706	A	25-09-2003	WO	03079706 A1	25-09-2003
EP 1207708	A	22-05-2002	EP	1207708 A1	22-05-2002
			AT	281047 T	15-11-2004
			EP	1351530 A1	08-10-2003
WO 2004068768	A	12-08-2004	US	2004146021 A1	29-07-2004
			WO	2004068768 A2	12-08-2004

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/003367

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/003367

Box No. II Priority

1. ☐ The following document has not been furnished:

- ☐ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,8,9,12-15
	No: Claims	1-4,6,7,10,11
Inventive step (IS)	Yes: Claims	5,8,9,12-15
	No: Claims	1-4,6,7,10,11
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : WO 03/079706 A (SIEMENS AKTIENGESELLSCHAFT ET AL) 25 September 2003 (2003-09-25)

2 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A mobile telecommunications network including a core network portion (see figure 1), at least one first access network (see figure 1) , and at least one second access network portion (see figure 1) , wherein said first access network portion comprises a plurality of base stations adapted to communicate with mobile stations over a licensed radio interface and with said core network portion (see page 17, lines 12-17) and said second access network comprising a plurality of access points each defining a mini-cell and adapted to communicate with mobile stations located in a respective mini-cell (see page 17, lines 12-17) over an unlicensed-radio interface (see page 1, line 29 - page 2, line 2); an access network controller adapted to communicate with said core network portion over a predetermined licensed mobile network interface and connected with said plurality of access points (see figure 1: GAP), characterised in that said second access network is adapted to set up a radio link with a mobile station when said mobile station entering a mini-cell (see page 9, lines 4-10) is conducting an active call with said first access network (see page 7, lines 13-17) and to communicate a cell identifier to said mobile station (see page 9, lines 4-10), said identifier identifying at least one mini-cell of said second access network to said core network portion (see page 9, lines 4-10) to enable handover of an active call from said first access network to said second access network (see page 9, lines 4-10), and that at least one base station of said first

access network is adapted to receive a message from said mobile station containing said cell identifier (see page 9, lines 13-17) and to communicate said cell identifier to said core network portion in a message indicating that handover is required (see page 9, lines 4-10).

3 INDEPENDENT CLAIM 10

In this written opinion line 15 on page 20 (concerning claim 10) has been interpreted as:

"radio interface, said mobile station (1), while conducting an active call with"

The same reasoning as given in point 2 applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 10, which therefore is also considered not new in the sense of Article 33(2) PCT.

4 INDEPENDENT CLAIM 11

The same reasoning as given in point 2 applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 11, which therefore is also considered not new in the sense of Article 33(2) PCT.

5 DEPENDENT CLAIMS 3 - 9, 12-15

5.1 Dependent claims 2-4,6,7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step (Article 33(2) and (3) PCT).

Claims 2,3: see D1, page 9, lines 4-10

Claim 4: see D1, page 9, lines 10-13

Claim 6: see D1, page 11, lines 7-8

Claim 7: see D1, page 11, lines 17-33

5.2 DEPENDENT CLAIMS 5, 8, 9, 12-15

The combination of the features of dependent claims 5, 8, 9, 12-15 are neither known from, nor rendered obvious by, the available prior art.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/003367

Re Item VIII.

- 6 It is clear from the description on page 12, line 30 - page 13, line 5 that the following feature is essential to the definition of the invention:

an active call is conducted

Since independent claim 10 does not contain this feature (active call) it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.